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UNITED NATIONS CONFERENCE ON
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Geneva, 8 March 1993
Agenda item 7

PREPARATION OF A PROTOCOL EXTENDING THE INTERNATIONAL AGREEMENT ON OLIVE OIL AND TABLE OLIVES, 1986, WITH AMENDMENTS

Draft Protocol of 10 March 1993 extending the International Agreement on Olive Oil and Table Olives, 1986, with amendments

Note by the UNCTAD secretariat

The attached text was prepared by the Legal Drafting Committee following approval of its content by the Executive Committee. The draft Protocol is submitted to the Conference for its adoption.

GE.93-50730

The Parties to this Protocol,

Considering that the International Agreement on Olive Oil and Table Olives, 1986 (which succeeds the Agreements concluded in 1956 and 1963 and 1979) as prolonged for two periods of one year each and the amendments thereto which entered into force on 30 May 1991 or which will enter so on 1 January 1994 (which instrument and amendments are hereinafter referred to as "the Agreement") expires on 31 December 1993,

Considering that it is desirable that the Agreement should continue in operation, in its current form, beyond that date,

Have agreed as follows:

Article 1

General

1. Any Government which becomes a Party to this Protocol shall be considered a Party to the Agreement as amended and extended hereby.

2. So far as the Parties to this Protocol are concerned, the Agreement and this Protocol shall be read and interpreted as one single instrument and shall be known as the "International Agreement on Olive Oil and Table Olives, 1986, as amended and extended, 1993".

Article 2

Amended provisions

The Agreement is amended as follows:

PREAMBLE

Replace the text of the last three paragraphs of the PREAMBLE by the following:

Considering the International Olive Oil Agreement, 1956, and successive Agreements,

Considering that the International Agreement on Olive Oil and Table Olives, 1986, will expire on 31 December 1993,

Being of the view that it is essential to continue and develop the work undertaken within the framework of the previous agreements and that it is desirable to extend the 1986 Agreement as amended in 1993,

CHAPTER I

GENERAL OBJECTIVES

Article 1

General objectives

Insert the following in Article 1, line 4, between the words "United Nations Conference on Trade and Development" and "are as follows:"

"(UNCTAD), as well as of the Final Act of UNCTAD VII and the Cartagena Commitment of UNCTAD VIII,"

Add the following at the end of paragraph 1., sub-paragraph (a), after the word "products":

"by establishing, in particular, a new partnership for development on the decisions taken at UNCTAD VIII."

Replace the title of paragraph 2. by the following:

With respect to the modernization of olive cultivation, olive-oil extraction and table-olive processing:

CHAPTER II

DEFINITIONS

Article 2

Definitions

Insert a new paragraph 8, worded as follows:

"8. "Olive by-products" means, in particular, olive pomace, vegetable water, and olive twigs and wood."

PART ONE. INSTITUTIONAL PROVISIONS

CHAPTER III

INTERNATIONAL OLIVE OIL COUNCIL

Article 6

Privileges and immunities

In paragraph 1, line 1, insert the word "international" between "shall have" and "legal"

Replace the text of paragraph 3, by the following:

"3. The status, privileges and immunities of the Council in the territory of Spain shall continue to be governed by the Headquarters Agreement between the Government of Spain and the Council signed at Madrid on 13 July 1989."

In paragraph 6, line 3, insert the words "to be approved by the Council" between "agreement" and "relating".

Article 13

Relationship with the Common Fund for Commodities

Replace the text of Article 13 by the following two paragraphs:

"1. The Council shall take full advantage of the facilities of the Common Fund for Commodities.

2. In respect of the implementation of any project under paragraph 1 of this article, the Council shall not, in its capacity as an international commodity body, act as an executing agency, nor incur any financial obligation for guarantees given by individual Members or other entities. No member shall be responsible by reason of its membership in the Council for any liabilities arising from borrowing or lending by any other Member or entity in connection with such projects."

Article 14

Admission of observers

In paragraph 1, line 1, replace "1. Any Member or observer Member of the United Nations or of one" by "The Government of any Member or observer State of the United Nations or of one".

PART TWO. FINANCIAL PROVISIONS

CHAPTER V

ADMINISTRATIVE BUDGET

Article 17

Constitution and administration

In paragraph 1:

- line 5, insert the words ", which shall be fixed annually in ECUs" between "Administrative Budget" and". The allocation"

- lines 9 and 10, replace "600,000 United States dollars" by" 500 000 ECUs."

In paragraph 7, line 3, replace the words "United States dollars" by "ECUs"

In paragraph 8, line 3, insert the word "Executive" between "the" and "shall request it"

In paragraph 11, last line, change "60" to "61"

CHAPTER VII

PUBLICITY FUND

Replace title of Chapter VII - by Promotional Fund

Article 19

Constitution of the Fund

In paragraph 1:

- line 3, replace the word "publicity" by "promotion"

- last line, replace the words "600,000 United States dollars" by "500 000 Ecus".

In paragraph 3, line 1 and 2, replace the words "United States dollars" by "Ecus"

Article 20

Contributions to the Fund

In paragraphs 1,2,3,4,5 and 6, replace the word "publicity" by "promotion"

Article 21

Voluntary contributions and donations

In paragraph 1, line 2 and paragraph 2, lines 2 and 3, replace the word "publicity" by "promotion"

Article 22

Decisions relating to publicity

In the title of Article 22 and in paragraph 1, lines 1,2 and 4, replace the word "publicity" by "promotion"

Article 23

Liquidation of the Fund

In the text of Article 23, lines 2 and 4, replace the word "publicity" by "promotion"

CHAPTER VIII

FINANCIAL CONTROL

Article 24

Financial Committees

In paragraph (b), line 3, replace the word "publicity" by "promotion"

PART THREE: ECONOMIC AND STANDARDIZATION PROVISIONS

CHAPTER IX

DESIGNATIONS AND DEFINITIONS OF OLIVE OILS AND OLIVE-POMACE OILS. INDICATIONS OF SOURCE AND APPELLATIONS OF ORIGIN

Article 26

Designation and definitions of olive oils and olive-pomace oils

In paragraph 1, lines 1 and 2, replace "1. The designations of olive oils and olive-pomace oils of the different qualities..." by "1. The designations of the different qualities of olive oils and olive-pomace oils..."

Article 30

Disputes and reconciliation

In paragraph 2:

- line 3, change "50" to "51"
- line 4, delete the words "the International Olive Oil Federation and"

CHAPTER X

DESIGNATIONS AND DEFINITIONS OF TABLE OLIVES

Article 34

Disputes and reconciliation

In paragraph 2:

- line 3, change "50" to "51"
- line 4, delete the words "the International Olive Oil Federation and"

CHAPTER XI

STANDARDIZATION OF THE MARKETS FOR OLIVE PRODUCTS

Article 35

Examination of the situation of and developments in the market for olive oil and olive-pomace oil

In paragraph 1, line 5, after the words "other factors",

- add the phrase "Members shall make available and furnish to the Council all the necessary data, statistics and documentation on olive oil and olive pomace-oil"

- delete the rest of the sentence.

Insert a new paragraph 2, worded as follows:

"2. The Council shall, at the autumn session, make a detailed examination of olive-oil balances and an overall estimate of the supplies of and demand for olive oil and olive-pomace oil, on the basis of the information furnished by each Member under article 49, of any information communicated to the Council by Governments of States not Parties to this Agreement, and of any other relevant statistical material available to the Council on the subject"

Change the numbering of paragraph "2" to "3"

Delete paragraph 3

Article 37

Examination of the situation of and developments in the table-olive market

In paragraph 2, lines 4 and 5, delete the phrase "but interested in the international trade in table olives"

PART FIVE PUBLICITY PROVISIONS

CHAPTER XIV

WORLD PUBLICITY TO PROMOTE THE CONSUMPTION OF OLIVE OILS AND TABLE OLIVES

In the title of PART FIVE, replace the word "PUBLICITY" by "PROMOTIONAL"

In the title of CHAPTER XIV, replace the words "PUBLICITY TO PROMOTE" by "PROMOTION OF"

Article 44

Publicity programme to promote the consumption of olive oils and table olives

In the title of Article 44, delete the word "Publicity"

In paragraph 1, lines 1 and 2, replace the word "Publicity" by "Promotion" and by "promotional" respectively

In paragraph 3 and 4, line 1, replace the word "publicity" by "promotional"

In paragraph 5, line 1 and sub-paragraph (c), replace the word "publicity" by "promotion"

In paragraph 6, lines 2 and 3, replace the word "publicity" by "promotion"

In paragraph 7, line 2, replace the word "publicity" by "promotion"

PART SIX OTHER PROVISIONS

CHAPTER XV

GENERAL OBLIGATIONS

Insert a new Article 47, worded as follows:

"Article 47

Environmental aspects

Members shall give due consideration to environmental aspects at all stages of olive and olive oil production"

Article 47

Encouragement of international trade and consumption

Change Article "47" to "48"

Article 48

Information

Change Article "48" to "49"

Article 49

Financial liability of Members

Change Article "49" to "50"

In article "50", last line, replace the word "Publicity" by "Promotion"

CHAPTER XVI

DISPUTES AND COMPLAINTS

Article 50

Disputes and complaints

Change Article "50" to "51"

In paragraph 5, last line, change "58" to "59"

CHAPTER XVII

FINAL PROVISIONS

Article 51

Depositary

Change Article "51" to "52"

Article 52

Signature, ratification, acceptance and approval

Change Article "52" to "53"

Article 53

Accession

Change Article "53" to "54"

In Article "54", paragraph 1:

- lines 2 and 3, insert the words ", in particular, "between "shall include" and "a time-limit"

- at the end of the paragraph, add the following sentence:

"Upon accession, a State shall be deemed to be listed in one or both of the annexes to this Agreement, together with its share or shares as laid down in the conditions of accession."

Article 54

Notification of provisional application

Change Article "54" to "55"

In paragraph 1, line 6, change article "55" to "56"

Article 55

Entry into force

Change Article "55" to "56"

In paragraph 4, line 2, change article "54" to "55"

Article 56

Amendment

Change Article "56" to "57"

Article 57

Withdrawal

Change Article "57" to "58"

In paragraph 1, replace the last sentence reading "That Member shall simultaneously inform the Council of the action it has taken" by "The Member shall simultaneously inform the Council in writing of the action it has taken."

Article 58

Exclusion

Change Article "58" to "59"

Article 59

Settlement of accounts

Change Article "59" to "60"

Article 60

Duration, prolongation, extension and termination

Change Article "60" to "61"

Article 61

Reservations

Change Article "61" to "62"

Replace the table in Annex A of the Agreement by the following table

Annex A

Participation shares as pertaining to administration budget

Algeria	13
Cyprus	4
European Economic Community	762
Egypt	4
Israel	6
Morocco	25
Tunisia	95
Turkey	91

Replace the table in Annex B of the Agreement by the following table

Annex B

Allocation shares for the purpose of the promotional fund

Algeria	5.8
Cyprus	0.8
European Economic Community	774.0
Israel	3.0
Morocco	25.0
Tunisia	124.8
Turkey	66.6
Total	1,000.0

Article 3

Depositary

The Secretary-General of the United Nations is designated as the depositary of this Protocol.

Article 4

Conditions of participation

1. The Government of any Member State of the United Nations or of one of its specialized agencies may become a Party to this Protocol:

(a) By signing it; or

(b) By ratifying, accepting or approving it after having signed it subject to ratification, acceptance or approval; or

(c) By acceding to it.

2. Participation by a State in this Protocol does not entail any substantive position on the part of the Council on the question of that State's geographic boundaries or territorial disputes.

3. Any reference in this Protocol to a Government or Governments shall be construed as including the European Economic Community and its institutions as well as any other intergovernmental organization having responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements. Accordingly, any reference in

this Protocol to signature, ratifiaction, acceptance or approval, to notification of provisional application or to accession shall, in the case of such intergovernmental organizations, be construed as including a reference to signature, ratification, acceptance or approval, to notification of provisional application or to accession by such intergovernmental organizations.

4. Each signatory Government shall, on signing this Protocol, state whether according to its constitutional or institutional procedures its signature is or is not subject to ratification, acceptance or approval.

5. This Protocol shall be open to accession by the Governments of all non-signatory States upon conditions established by the Council which shall include, in particular, a time-limit for the deposit of instruments of accession. Upon accession, a State shall be deemed to be listed in one or both of the annexes to this Protocol, together with its share or shares as laid down in the conditions of accession.

6. Accession shall be effected by the deposit of an instrument of accession with the depositary and shall take effect from the date of deposit of such instrument or from the date of entry into force of this Protocol, whichever date is the later. Instruments of accession shalll state that the Government accepts all the conditions established by the Council.

Article 5

Signature

This Protocol shall be open for signature at the United Nations Headquarters from 1 May until 31 December 1993 by any Government that is a Party to the Agreement on 1 May 1993.

Article 6

Ratification, acceptance and approval

Instruments of ratification, acceptance or approval shall be deposited with the depositary not later than 31 December 1993. The Council may, however, grant one or several extensions of time to signatory Governments which are unable to deposit their instruments by that date.

Article 7

Notification of provisional application

1. A signatory Government which intends to ratify, accept or approve this Protocol or a non-signatory Government for which the Council has established conditions for accession but which has not yet been able to deposit its instrument may, at any time, notify the depositary that it will provisionally apply the Agreement as amended and extended by this Protocol, either when the Protocol enters into force in accordance with article 8 or, if it is already in force, at a specified date.

2. For the entire duration of the period during which the Agreement as amended and extended by this Protocol is in force, either definitively or provisionally, a signatory Government or a non-signatory Government which has made a notification under paragraph 1 of this article shall be a provisional Member, with all the rights and duties of a Member until that Government becomes a Contracting Party.

Article 8

Entry into force

1. This Protocol shall enter into force definitively on 1 January 1994, or on any date thereafter, between the Governments which have signed it and, in cases where their constitutional or institutional procedures so require, which have ratified, accepted or approved it, or have acceded to it, if such Governments include five of those mentioned in Annex A to the Agreement, accounting for at least 85 per cent of the participation share.

2. This Protocol shall enter into force provisionally on 1 January 1994, or on any date thereafter, between the Governments which have signed it and, in cases where their constitutional or institutional procedures so require, which have ratified, accepted, or approved it, or have acceded to it, or have notified the depositary that they will apply it provisionally, if such Governments include five of those satisfying the percentage requirements referred to in paragraph 1 of this article.

3. If by 1 January 1994 the requirements for entry into force under paragraph 1 or paragraph 2 of this article have not been met, the Secretary-General of the United Nations shall invite the Governments on whose behalf instruments of ratification, acceptance or approval or notifications of provisional application have been deposited to decide whether this Protocol shall enter into force definitively or provisionally among themselves, on such date as they may determine. If this Protocol has entered into force provisionally in accordance with this paragraph, it shall subsequently enter into force definitively upon fulfilment of the conditions set out in paragraph 1 of this article without the necessity of a further decision.

4. For a Government on whose behalf an instrument of ratification, acceptance, approval or accession or a notification of provisional application is deposited after the entry into force of this Protocol in accordance with paragraph 1, 2 or 3 of this article, the instrument or notification shall take effect on the date of deposit and, with regard to notification of provisional application, in accordance with the provisions of article 7, paragraph 1.

Article 9

Duration, prolongation and termination of this Procol

1. This Protocol amending and extending the Agreement shall continue in force until 31 December 1998 unless the Council decides to prolong it, renegotiate it or terminate it in advance in accordance with the provisions of this article.

2. The Council may decide to prolong this Protocol beyond 31 December 1998 for successive periods not exceeding two years on each occasion. Any Member

which does not accept any such prolongation shall so inform the Council in writing and shall cease to be a Party to this Protocol from the beginning of the period of prolongation.

3. If, before 31 December 1998, or before the expiry of a period of prolongation, as the case may be, a new Agreement is negotiated to replace the Agreement as amended and extended by this Protocol but has not yet entered into force either provisionally or definitively, the Council may decide to prolong this Protocol until the new Agreement enters into force provisionally or definitively.

4. If a new Agreement is negotiated and enters into force during any period of prolongation of this Protocol under paragraph 2 or paragraph 3 of this article, this Protocol, as prolonged, shall terminate upon the entry into force of the new Agreement.

5. The Council may at any time decide to terminate this Protocol with effect from such date as it may determine.

6. Notwithstanding the expiry or termination of this Protocol, the Council shall continue in being for as long as may be necessary for the purpose of carrying out the liquidation of the Council, including the settlement of accounts, and shall have during that period such powers and functions as may be necessary for these purposes.

7. The Council shall notify the depositary of any decision taken under this article.

Article 10

Notification by the depositary

The depositary shall inform without delay the signatory and acceding Government of any signature, ratification, acceptance or approval of, or accession to, this Protocol; of any notification made under articles 7, 8 and 9 of this Protocol; and of the date of entry into force of this Protocol.

IN WITNESS WHEREOF, the undersigned, having been duly authorized thereto, have affixed their signatures under this Protocol on the dates indicated.

DONE at GENEVA on this 10 March 1993,
the texts of this Protocol in the Arabic, English, French, Italian and Spanish languages being equally authentic.